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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/519,268 | 09/27/2005 | Frank-Juergen Stuetzler | 10191/3667 | 8917 |

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| EXAMINER |
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KISWANTO, NICHOLAS

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| ART UNIT | PAPER NUMBER |
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3664

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03/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/519,268 | Applicant(s) STUETZLER, FRANK-JUERGEN | |
| | Examiner NICHOLAS KISWANTO | Art Unit 3664 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1 - 8 is cancelled by applicant in a preliminary amendment and replaced by claims 9 - 16. However, there is no record of a claim 8. For current and future prosecution, claim numbering will maintain current numbering of 9 - 16, to avoid confusion.

Claim Objections

1. Claim 16 is objected to because of the following informalities: last word appears that it is supposed to read "interval", yet spelled as "int". Claim 16 is further missing a period at end of sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9 – 13, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by McCurdy (7,278,657).

As to claim 9, McCurdy shows a restraint system (abstract), comprising: a restraining device which includes at least one acceleration-sensitive sensor (col 3, line 54 – 56), and at least one additional sensor, the at least one additional sensor including an electroacoustic transducer which is sensitive to ultrasonic waves (col 3, line 61 - 62), which are generated in the event of an accident (col 3, line 65), the electroacoustic transducer configured to generate an output signal from which a deployment criterion for the restraining device is derivable (col 6, line 58 – 62).

As to claim 10, McCurdy further shows the restraint system as recited in claim 9, wherein the electroacoustic transducer is an ultrasonic sensor (col 3, line 62).

As to claim 11, McCurdy further shows the restraint system as recited in claim 10, wherein a threshold value is predefinable for the output signal of the ultrasonic sensor (col 6, line 55), and wherein the output signal exceeding the threshold value is assessed as a deployment criterion for the restraining device (col 6, line 60 – 62).

As to claim 12, McCurdy further shows the restraint system as recited in claim 10, further comprising: an arrangement configured for generating a

deployment criterion for the restraining device, the arrangement configured to subject the output signal of the ultrasonic signal to bandpass filtering (col 5, line 13).

As to claim 13, McCurdy further shows the restraint system as recited in claim 10, wherein the ultrasonic sensor is situated in a first airbag control unit (Fig. 2).

As to claim 15, McCurdy further shows the restraint system as recited in claim 10, wherein the ultrasonic sensor is situated in the vehicle, spatially separated from a first airbag control unit and a second airbag control unit (Fig. 1).

As to claim 16, McCurdy further shows the restraint system as recited in claim 10, wherein a time interval is provided for the output signal of the ultrasonic sensor in such a way that the deployment criterion for the restraining device is present only when a threshold value is exceeded at least during the time interval (col 7, line 7 – 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCurdy, in view of Schaffran et al. (6,563,761).

As to claim 14, McCurdy discloses the claimed invention as shown above. However, it is silent as to the specifics of the ultrasonic sensor situated in an airbag control unit which is responsible for sensing passengers.

Schaffran shows a commonly well known airbag control unit which uses an ultrasonic sensor to sense passengers (col 2, line 9 – 13). Schaffran teaches that its technique provides optimum enhancement of occupant protection (col 1, line 55 – 56).

It would have been obvious to one of ordinary skill in the art to provide McCurdy's invention with Schaffran's teaching to provide optimum enhancement of occupant protection, as taught by Schaffran.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS KISWANTO whose telephone number is (571)270-3269. The examiner can normally be reached on Monday - Friday, 8AM - 5PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Kiswanto

February 27, 2008

/Khoi H Tran/

Supervisory Patent Examiner, Art Unit 3664